

***b0120/3.7* SECTION 2337i.** 440.91 (1) (b) and (c) of the statutes are created to read:

440.91 (1) (b) The board shall grant a license to a cemetery authority if all of the following are satisfied:

1. The cemetery authority submits an application for the license to the board on a form provided by the board. The application shall require the cemetery authority to provide the names of the officers of the cemetery authority and to identify a business representative who is primarily responsible for the cemetery authority's compliance with subch. II of ch. 157 and this subchapter.

2. The cemetery authority pays the fee specified in s. 440.05 (1).

(c) 1. The renewal dates and renewal fees for licenses granted under par. (b) are specified in s. 440.08 (2) (a), except that a licensed cemetery authority is not required to renew its license if the cemetery authority sells less than 20 cemetery lots or mausoleum spaces at a cemetery during a calendar year, or that has less than \$100,000 in preneed trust fund accounts for a cemetery.

2. A licensed cemetery authority that is not required to renew its license under subd. 1. shall renew the license if, during a period of 2 consecutive calendar years that is subsequent to the period specified in subd. 1., the cemetery authority sells 20 or more cemetery lots or mausoleum spaces for a cemetery or has \$100,000 or more in preneed trust fund accounts for a cemetery.

***b0120/3.7* SECTION 2337k.** 440.91 (2) (intro.) of the statutes is amended to read:

440.91 (2) (intro.) Except as provided in ~~subs. (7) and sub. (10)~~, every individual ~~who~~ person that sells or solicits the sale of, or ~~who that~~ expects to sell or solicit the sale of, a total of 10 20 or more cemetery lots or mausoleum spaces per year during

~~a~~ 2 consecutive calendar year years shall ~~register with~~ be licensed by the department. ~~An individual board.~~ A person may not be registered licensed as a cemetery salesperson except upon the written request of a cemetery authority and the payment of the fee specified in s. 440.05 (1). The cemetery authority shall certify in writing to the ~~department~~ board that the ~~individual person~~ is competent to act as a cemetery salesperson. ~~Within 10 days after the certification of any cemetery salesperson, the cemetery salesperson shall verify and~~ An applicant for licensure as a cemetery salesperson shall furnish to the ~~department~~ board, in such form as the ~~department~~ board prescribes, all of the following information:

***b0120/3.7* SECTION 2337L.** 440.91 (2) (a) of the statutes is repealed and recreated to read:

440.91 (2) (a) The name and address of the applicant and, if the applicant is a business entity, the name and address of each business representative.

***b0120/3.7* SECTION 2337m.** 440.91 (6m) of the statutes is amended to read:

440.91 (6m) A cemetery authority of a cemetery organized, maintained and operated by a town, village, city, church, synagogue or mosque, religious, fraternal or benevolent society or incorporated college of a religious order is not required to be registered licensed under sub. (1).

***b0120/3.7* SECTION 2337n.** 440.91 (7) of the statutes is amended to read:

440.91 (7) An individual who solicits the sale of cemetery lots or mausoleum spaces in a cemetery organized, maintained and operated by a town, village, city, church, synagogue or mosque, religious, fraternal or benevolent society or incorporated college of a religious order is not required to be registered licensed under sub. (2).

***b0120/3.7* SECTION 2337p.** 440.91 (9) of the statutes is amended to read:

440.91 (9) No cemetery authority or cemetery salesperson ~~registered~~ licensed under sub. (1) or (2) may pay a fee or commission as compensation for a referral or as a finder's fee relating to the sale of ~~a cemetery lot~~, cemetery merchandise or ~~mausoleum~~ a burial space to any person who is not ~~registered~~ licensed under sub. (1) or (2) or who is not regularly and lawfully engaged in the sale of ~~cemetery lots~~, cemetery merchandise or ~~mausoleum~~ burial spaces in another state or territory of the United States or a foreign country.

***b0120/3.7* SECTION 2337q.** 440.91 (10) of the statutes is amended to read:

440.91 (10) Nothing in this section requires an individual who is ~~registered~~ licensed as a preneed seller under s. 440.92 (1) to be ~~registered~~ licensed as a cemetery salesperson under sub. (2) if the individual only sells or solicits the sale of cemetery merchandise or undeveloped spaces under preneed sales contracts.

***b0120/3.7* SECTION 2337r.** 440.92 (1) (title) of the statutes is repealed and recreated to read:

440.92 (1) (title) LICENSURE.

***b0120/3.7* SECTION 2337s.** 440.92 (1) (a) of the statutes is amended to read:

440.92 (1) (a) Except as provided in subs. (4), (9) (a) and (10), every individual who sells or solicits the sale of cemetery merchandise or an undeveloped space under a preneed sales contract and, if the individual is employed by or acting as an agent for a cemetery authority or any other person, that cemetery authority or other person is also required to be ~~registered~~ licensed under this subsection.

***b0120/3.7* SECTION 2337t.** 440.92 (1) (b) (intro.) of the statutes is amended to read:

440.92 (1) (b) (intro.) The ~~department~~ board shall issue a certificate of ~~registration~~ licensure as a cemetery preneed seller to any person who does all of the following:

***b0120/3.7* SECTION 2337u.** 440.92 (1) (bm) of the statutes is created to read:

440.92 (1) (bm) If a cemetery authority that is licensed under this subsection notifies the board that it proposes to take an action specified in s. 157.08 (2) (b) 1. b. or c. and the board does not object to the action under s. 157.08 (2) (b) 3., the board shall revoke the license and require the cemetery authority to reapply for a license under this subsection.

***b0120/3.7* SECTION 2337v.** 440.92 (1) (e) of the statutes is amended to read:

440.92 (1) (e) Nothing in this subsection requires an individual who is ~~registered~~ licensed as a cemetery salesperson under s. 440.91 (2) to be ~~registered~~ licensed under this subsection if the individual does not conduct or solicit any sale under a preneed sales contract.

***b0120/3.7* SECTION 2337wc.** 440.92 (4) (a) (intro.) and (b) of the statutes are amended to read:

440.92 (4) (a) (intro.) Any person who sells or solicits the sale of cemetery merchandise under a preneed sales contract is not required to be ~~registered~~ licensed under sub. (1) and the requirements of sub. (3) (a) and (b) do not apply to the sale if all payments received under the preneed sales contract are trusted as required under s. 445.125 (1) (a) 1. or if all of the following conditions are met:

(b) If any preneed seller who is not ~~registered~~ licensed under sub. (1) accepts a payment under a preneed sales contract and the merchandise is not delivered within 180 days after the date of the sale, the preneed seller shall immediately notify the purchaser that the purchaser is entitled to a refund of all money paid by the

purchaser, together with interest calculated at the legal rate of interest as provided under s. 138.04, at any time before the merchandise is delivered.

***b0120/3.7* SECTION 2337wf.** 440.92 (6) (a), (i) and (j) of the statutes are amended to read:

440.92 (6) (a) Every preneed seller ~~registered~~ licensed under sub. (1) shall file an annual report with the ~~department board~~. The report shall be made on a form prescribed and furnished by the ~~department board~~. The report shall be made on a calendar-year basis unless the ~~department board~~, by rule, provides for other reporting periods. The report is due on or before the 60th day after the last day of the reporting period.

(i) The ~~department board~~ may promulgate rules requiring preneed sellers ~~registered~~ licensed under sub. (1) to maintain other records and establishing minimum time periods for the maintenance of those records.

(j) The ~~department board~~ may audit, at reasonable times and frequency, the records, trust funds and accounts of any preneed seller ~~registered~~ licensed under sub. (1), including records, trust funds and accounts pertaining to services provided by a preneed seller which are not otherwise subject to the requirements under this section. The department may conduct audits under this paragraph on a random basis, and shall conduct all audits under this paragraph without providing prior notice to the preneed seller.

***b0120/3.7* SECTION 2337wh.** 440.92 (9) (a) of the statutes is amended to read:

440.92 (9) (a) If the cemetery authority of a cemetery that is affiliated with a religious society organized under ch. 187 or that religious society files an annual certification with the department as provided in this subsection, neither the cemetery authority nor any employee of the cemetery is required to be registered

**2005-2006 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB
PJH:.....
WLJ

checked into 60120

FIRST PJH, p. 905:

2 440.92 (6) (d) All records described under pars. (b) 2. and (c) and maintained
3 by the department board are confidential and are not available for inspection or
4 copying under s. 19.35 (1). This paragraph does not apply to any information
5 regarding the name, address or employer of or financial information related to an
6 individual that is requested under s. 49.22 (2m) by the department of workforce
7 development or a county child support agency under s. 59.53 (5).

History: 1989 a. 307; 1991 a. 16, 32, 39, 269; 1993 a. 16; 1995 a. 27 ss. 6605, 9116 (5); 1995 a. 295; 1997 a. 79, 191; 1999 a. 9.

8 440.92 (6) (e) The department board shall review each report filed under par.
9 (a) to determine whether the preneed seller is complying with this section.

History: 1989 a. 307; 1991 a. 16, 32, 39, 269; 1993 a. 16; 1995 a. 27 ss. 6605, 9116 (5); 1995 a. 295; 1997 a. 79, 191; 1999 a. 9.

10 440.92 (6) (h) The records under par. (b) 1. shall be permanently maintained
11 by the preneed seller. The records under par. (b) 2. shall be maintained for not less
12 than 3 years after all of the obligations of the preneed sales contract have been
13 fulfilled. The department board may promulgate rules to establish longer time
14 periods for maintaining records under this paragraph.

History: 1989 a. 307; 1991 a. 16, 32, 39, 269; 1993 a. 16; 1995 a. 27 ss. 6605, 9116 (5); 1995 a. 295; 1997 a. 79, 191; 1999 a. 9.

SECOND PJH INSERT, P. 905:

17 440.92 (6) (k) The department board may promulgate rules establishing a
18 filing fee to accompany the report required under par. (a). The filing fee shall be
19 based on the approximate cost of regulating preneed sellers.

History: 1989 a. 307; 1991 a. 16, 32, 39, 269; 1993 a. 16; 1995 a. 27 ss. 6605, 9116 (5); 1995 a. 295; 1997 a. 79, 191; 1999 a. 9.

licensed as a cemetery preneed seller under sub. (1) during the period for which the certification is effective.

***b0120/3.7* SECTION 2337wj.** 440.92 (10) of the statutes is amended to read:

440.92 (10) EXEMPTIONS; CERTAIN NONPROFIT CEMETERIES. This section does not apply to a cemetery authority that is not required to be ~~registered~~ licensed under s. 440.91 (1) and that is not organized or conducted for pecuniary profit.

***b0120/3.7* SECTION 2337y.** 440.93 (1) (intro.) of the statutes is amended to read:

440.93 (1) (intro.) The ~~department~~ board may reprimand a ~~registrant~~ licensee or deny, limit, suspend, or revoke a certificate of licensure of a cemetery authority, cemetery salesperson, or preneed seller if it finds that the applicant or ~~registrant~~ licensee, or, if the applicant or ~~registrant~~, licensee is an association, partnership, limited liability company, or corporation, any officer, director, trustee, member, or shareholder who beneficially owns, holds, or has the power to vote 5% or more of any class of security issued by the applicant or ~~registrant~~ licensee, has done any of the following:

***b0120/3.7* SECTION 2337z.** 440.95 (1) of the statutes is amended to read:

440.95 (1) Any cemetery authority that is required to ~~register~~ be licensed under s. 440.91 (1) and that knowingly fails to ~~register~~ be licensed may be fined not more than \$100.

***b0085/P1.3* SECTION 2338m.** 440.992 (1) of the statutes is amended to read:

440.992 (1) Except as otherwise provided in sub. (2), the department shall issue a certificate of registration to an individual who complies with s. 440.9915 (1) or whose application has been accepted under s. 440.9915 (2), if the individual has paid the fees specified in s. 440.9935 fee specified in s. 440.05 (1) (a).

***b0085/P1.3* SECTION 2338p.** 440.9935 of the statutes is amended to read:

440.9935 Registration and renewal fees Renewal. ~~An application for registration must be accompanied by a processing fee in an amount established in rules promulgated by the department. If the department determines to issue a certificate of registration to an applicant, the department shall require the applicant to pay a fee for issuing the certificate in an amount established in rules promulgated by the department. The renewal dates date and fee for certificates of registration issued under this subchapter are specified in s. 440.08 (2) (a). Renewal applications shall be submitted to the department on a form provided by the department and shall include a fee in an amount established in rules promulgated by the department, except that for the first renewal after a certificate of registration is issued, the department shall prorate the fee based on the length of time between between issuance and renewal. The amounts established in the rules promulgated under this section shall be based on the department's administrative and enforcement costs attributable to processing applications and regulating athlete agents.~~

***b0119/3.2* SECTION 2338q.** 446.02 (2) (c) of the statutes is created to read:

446.02 (2) (c) The examining board shall issue a certificate to a chiropractor who is licensed under this chapter, who submits satisfactory evidence that the chiropractor has completed 48 hours of postgraduate study in nutrition that is approved by the examining board, and who pays a one-time certification fee of \$25.

***b0119/3.2* SECTION 2338r.** 446.02 (6m) of the statutes is created to read:

446.02 (6m) No chiropractor may provide counsel, direction, guidance, advice, or a recommendation to a patient regarding the health effects of vitamins, herbs, or nutritional supplements unless the chiropractor has been issued a certificate under

sub. (2) (c). This subsection does not apply to a chiropractor licensed under this chapter who is certified as a dietician under subch. V of ch. 448.

***-0430/P1.1* SECTION 2338v.** 452.13 (2) (b) 3. of the statutes is amended to read:

452.13 (2) (b) 3. Furnish the department of regulation and licensing with a letter authorizing the department of regulation and licensing and the department of ~~administration~~ commerce to examine and audit the interest-bearing common trust account whenever the department of regulation and licensing or the department of ~~administration~~ commerce considers it necessary.

***-0430/P1.2* SECTION 2339.** 452.13 (2) (bm) of the statutes is amended to read:

452.13 (2) (bm) The department of regulation and licensing shall forward to the department of ~~administration~~ commerce the information and documents furnished under par. (b).

***-0430/P1.3* SECTION 2340.** 452.13 (2) (d) of the statutes is amended to read:

452.13 (2) (d) The department of ~~administration~~ commerce is the beneficial owner of the interest accruing to the interest-bearing common trust account, minus any service charges or fees.

***-0430/P1.4* SECTION 2341.** 452.13 (2) (e) 1. of the statutes is amended to read:

452.13 (2) (e) 1. Annually, before February 1, remit to the department of ~~administration~~ commerce the total interest or dividends, minus service charges or fees, earned on the average daily balance in the interest-bearing common trust account during the 12 months ending on the previous December 31. A depository institution is not required to remit any amount if the total interest or dividends for that period is less than \$10 before any deduction for service charges or fees.

***-0430/P1.5* SECTION 2342.** 452.13 (2) (e) 2. of the statutes is amended to read:

452.13 (2) (e) 2. When the interest remittance is sent, furnish to the department of ~~administration~~ commerce and to the broker maintaining the interest-bearing common trust account a statement that includes the name of the broker for whose account the remittance is made, the rate of interest applied, the amount of service charges or fees deducted, if any, and the account balance for the period that the statement covers.

***-0430/P1.6* SECTION 2343.** 452.13 (2) (f) 2. of the statutes is amended to read:

452.13 (2) (f) 2. May not assess a service charge or fee for an interest-bearing common trust account against the department of ~~administration~~ commerce.

***-0430/P1.7* SECTION 2344.** 452.13 (2) (f) 3. of the statutes is amended to read:

452.13 (2) (f) 3. May deduct a service charge or fee from the interest earned by an interest-bearing common trust account, and if a balance remains, may deduct the remaining charge or fee from the interest earned on any other interest-bearing common trust account maintained in that depository institution, before remitting interest to the department of ~~administration~~ commerce.

***-0430/P1.8* SECTION 2345.** 452.13 (5) of the statutes is amended to read:

452.13 (5) RULES. In consultation with the department of regulation and licensing, the department of ~~administration~~ commerce shall promulgate rules necessary to administer this section.

***b0246/2.4* SECTION 2345m.** 457.02 (5m) of the statutes is amended to read:

457.02 (5m) Authorize any individual who is certified or licensed under this chapter to treat alcohol or substance dependency or abuse as a specialty unless the individual is a ~~substance abuse counselor, as defined in s. HFS 75.02 (84), Wis. Adm. Code~~ certified alcohol and other drug abuse counselor under s. 440.75, or unless the individual satisfies educational and supervised training requirements established

in rules promulgated by the examining board. In promulgating rules under this subsection, the examining board shall consider the requirements for qualifying as a ~~substance abuse counselor under s. HFS 75.02 (84), Wis. Adm. Code~~ certified alcohol and other drug abuse counselor under s. 440.75.

***-1510/2.32* SECTION 2346.** 460.05 (1) (e) 1. of the statutes is amended to read:

460.05 (1) (e) 1. Graduated from a school of massage therapy or bodywork approved by the educational approval board under s. 45.54 38.50 or completed a training program approved by the department under the rules promulgated under s. 460.04 (2) (b).

***-0330/P2.3* SECTION 2347.** 460.05 (3) of the statutes is repealed and recreated to read:

460.05 (3) The department shall grant a certificate as a massage therapist or bodyworker to a person who satisfies the requirements specified in sub. (1) (a) to (d), (g), and (h) and who includes with the application specified in sub. (1) (c) all of the following:

(a) Evidence satisfactory to the department that, during the 2-year period after March 1, 2003, the person was actively engaged in the practice of massage therapy or bodywork.

(b) An attestation that the person only recently became aware of the requirements of this chapter.

***b0208/P3.3* SECTION 2347p.** 560.031 of the statutes is created to read:

560.031 Grants for ethanol production facilities. Notwithstanding ss. 560.135 (2), 560.138 (2) (a), and 560.17 (3), the department may not make a grant for an ethanol production facility on which construction begins after the effective date

of this section [revisor inserts date], unless a competitive bidding process is used for the construction of the ethanol production facility.

***b0297/P1.1* SECTION 2348m.** 560.075 of the statutes is created to read:

560.075 Repayment of grants, loans, and tax benefits. (1) In this section, “tax benefits” means the credits under ss. 71.07 (2dd), (2de), (2di), (2dj), (2dL), (2dm), (2dr), (2ds), (2dx), (3g), and (3t), 71.28 (1dd), (1de), (1di), (1dj), (1dL), (1dm), (1ds), (1dx), (3g), and (3t), and 71.47 (1dd), (1de), (1di), (1dj), (1dL), (1dm), (1ds), (1dx), (3g), and (3t).

(2) The department may not award a grant or loan under this chapter to a person or certify a person to receive tax benefits unless the department enters into an agreement with the person that requires the person to repay the grant, loan, or tax benefits if, within 5 years after receiving the grant or loan or being certified to receive tax benefits, the person ceases to conduct in this state the economic activity for which the person received the grant or loan or for which the person was certified to receive tax benefits and commences substantially the same economic activity outside this state.

***b0331/2.4* SECTION 2348q.** 560.125 of the statutes is created to read:

560.125 Diesel truck idling reduction grants. (1) **DEFINITIONS.** In this section:

- (a) “Common motor carrier” has the meaning given in s. 194.01 (1).
- (b) “Contract motor carrier” has the meaning given in s. 194.01 (2).
- (c) “Idling reduction unit” means a device that is installed on a diesel truck to reduce the long-duration idling of the truck by providing heat, air conditioning, or electricity to the truck while the truck is stationary and the main drive engine of the truck is not operating.

(d) “Post–1998 diesel truck engine” means a heavy–duty highway diesel engine that complies with the air pollutant emission standards promulgated by the federal environmental protection agency under 42 USC 7521 for engine model year 1998 or a later engine model year.

(e) “Private motor carrier” has the meaning given in s. 194.01 (11).

(f) “Truck tractor” has the meaning given in s. 340.01 (73).

(2) **AUTHORITY.** Beginning on July 1, 2006, and ending on June 30, 2011, the department may award a grant to an eligible applicant for the purchase and field testing of one or more idling reduction units as provided in subs. (3) and (4).

(3) **ELIGIBLE APPLICANTS.** An applicant is eligible for a grant under this section only if all of the following apply:

(a) The applicant is a common motor carrier, contract motor carrier, or private motor carrier that transports freight.

(b) The applicant is headquartered in this state.

(c) The applicant pays at least 30 percent of the eligible costs for each idling reduction unit covered by a grant under this section without the use of grants, loans, or other financial assistance from this state or from a local governmental unit in this state.

(d) The applicant agrees to collect information relating to the operation and performance of each idling reduction unit covered by a grant under this section, as required by the department, and to report that information to the department.

(4) **GRANTS.** (a) Except as provided in par. (b), the costs that an applicant has incurred or will incur to purchase and install an idling reduction unit on a truck tractor that is owned or operated by the applicant and that has a post–1998 diesel truck engine are eligible costs under this section if the use of the idling reduction unit

will result, in the aggregate, in a decrease in the emissions of one or more air contaminants, as defined in s. 285.01 (1), from the truck tractor on which the idling reduction unit is installed or in a decrease in the use of energy by the truck tractor on which the idling reduction unit is installed.

(b) The following costs are not eligible costs:

1. The cost of shipping an idling reduction unit from the manufacturer to the facility where the idling reduction unit will be installed on the truck tractor.
2. The cost of operating an idling reduction unit.
3. The cost of maintaining an idling reduction unit.

(c) Subject to par. (d), the department may make a grant under this section of up to 70 percent of the eligible costs for not more than the following number of idling reduction units:

1. If the applicant owns and operates one truck tractor with a post–1998 diesel truck engine, one.
2. If the applicant owns and operates at least 2 but not more than 10 truck tractors with post–1998 diesel truck engines, 2.
3. If the applicant owns and operates at least 11 but not more than 50 truck tractors with post–1998 diesel truck engines, the greater of the following:
 - a. Two.
 - b. Ten percent of the number of truck tractors with post–1998 diesel truck engines that the applicant owns and operates.
4. If the applicant owns and operates at least 51 but not more than 250 truck tractors with post–1998 diesel truck engines, the greater of the following:
 - a. Six.

b. Seven percent of the number of truck tractors with post-1998 diesel truck engines that the applicant owns and operates.

5. If the applicant owns and operates at least 251 but not more than 500 truck tractors with post-1998 diesel truck engines, the greater of the following:

a. Eighteen.

b. Six percent of the number of truck tractors with post-1998 diesel truck engines that the applicant owns and operates.

6. If the applicant owns and operates at least 501 but not more than 2,500 truck tractors with post-1998 diesel truck engines, the greater of the following:

a. Twenty-five.

b. Five percent of the number of truck tractors with post-1998 diesel truck engines that the applicant owns and operates.

7. If the applicant owns and operates more than 2,500 truck tractors with post-1998 diesel truck engines, 3 percent of the number of truck tractors with post-1998 diesel truck engines that the applicant owns and operates.

(d) In any fiscal year, the department may not pay to any one applicant more than 20 percent of the amount appropriated under s. 20.143 (3) (sm) for the fiscal year.

(e) The department may pay a grant over more than one fiscal year, subject to the availability of funds and to par. (d).

(f) The department shall require that applicants receiving grants under this section covering more than one idling reduction unit purchase idling reduction units of more than one type and from more than one manufacturer. The department may impose other conditions on the receipt of grants.

(g) The department shall withhold payment of at least 20 percent of a grant under this section until the recipient has complied with the conditions of the grant established by the department, including providing to the department information relating to the operation and performance of each idling reduction unit covered by the grant.

(5) INFORMATION. The department shall collect information from recipients of grants under this section relating to the operation and performance of idling reduction units. The department shall summarize the information collected and make it available to common motor carriers, contract motor carriers, and private motor carriers in an accessible and cost-effective manner, such as on department's Internet site.

(6) SUNSET. Subsections (2) to (4) do not apply after December 31, 2012.

***-0470/P2.1* SECTION 2351.** 560.137 (2) (f) of the statutes is created to read:

560.137 (2) (f) If the department awards a grant under this subsection, the department may contract directly with and pay grant proceeds directly to any person providing technical or management assistance to the grant recipient.

***-0470/P2.2* SECTION 2352.** 560.138 (6) of the statutes is created to read:

560.138 (6) If the department awards a grant under this section, the department may contract directly with and pay grant proceeds directly to any person providing technical or management assistance to the grant recipient.

***b0296/P2.3* SECTION 2357m.** 560.155 of the statutes is repealed.

***b0270/5.10* SECTION 2361m.** 560.18 of the statutes is renumbered 26.40, and 26.40 (1m), as renumbered, is amended to read:

26.40 (1m) ~~From the appropriation under s. 20.143 (1) (t), the~~ The department may award grants to nonprofit organizations to develop forestry educational

programs and instructional materials for use in the public schools. The department may not award a grant unless it enters into a memorandum of understanding with the grant recipient and the director of the timber management program at the University of Wisconsin–Stevens Point regarding the use of the funds.

***b0256/P2.10* SECTION 2366m.** 560.275 (2) (a) to (d) and (e) (intro.) of the statutes are amended to read:

560.275 (2) (a) *Early stage planning grants and loans.* The department may make a grant or loan from the appropriation under s. 20.143 (1) ~~(dk) or (ik)~~ (c) or (ie) for the purpose of funding professional services related to completing an application to be submitted to the federal government for the purpose of obtaining early stage research and development funding or for the purpose of funding professional services that are required to accomplish specific tasks established as a condition of receiving early stage financing from 3rd parties that is necessary for business development.

(b) *Matching grants and loans.* 1. The department may make a grant or loan from the appropriation under s. 20.143 (1) ~~(dk) or (ik)~~ (c) or (ie) for the purpose of funding professional services related to developing a proposed technologically innovative product, process, or service, if the applicant has received a grant from the federal government for a substantially similar purpose.

2. The department may make a grant or loan from the appropriation under s. 20.143 (1) ~~(dk) or (ik)~~ (c) or (ie) for the purpose of funding professional services related to the accelerated commercialization of a technologically innovative product, process, or service, if the federal government has notified the applicant that the applicant will receive a grant from the federal government for a substantially similar purpose.

(c) *Bridge grants and loans.* The department may make a grant or loan from the appropriation under s. 20.143 (1) ~~(dk) or (ik)~~ (c) or (ie) to a person who has received early stage financing from 3rd parties or a grant from the federal government to fund early stage research and development and who has sought additional early stage financing from 3rd parties or applied for an additional grant from the federal government to fund early stage research and development. A grant or loan under this paragraph shall be for the purpose of funding professional services necessary to maintain the project research and management team and funding basic operations until the applicant's additional 3rd party financing request or federal grant application is approved or denied.

(d) *Venture capital grants and loans.* The department may make a grant or loan from the appropriation under s. 20.143 (1) ~~(dk) or (ik)~~ (c) or (ie) for the purpose of enhancing the applicant's ability to obtain early stage financing from 3rd parties.

(e) (intro.) *Entrepreneurial and technology transfer center grants.* The department may make a grant from the appropriation under s. 20.143 (1) ~~(dk) or (ik)~~ (c) or (ie) for the purpose of supporting any entrepreneurial and technology transfer center that satisfies all of the following criteria:

***b0256/P2.10* SECTION 2376j.** 560.275 (8) of the statutes is created to read:

560.275 (8) **SMALL BUSINESSES.** The department shall award not less than 50 percent of the total amount of grants and loans made under this section to small businesses, as defined in 560.60 (15).

***b0256/P2.10* SECTION 2376k.** 560.275 (9) of the statutes is created to read:

560.275 (9) **DISTRESSED AREAS.** The department shall award not less than 35 percent of the total amount of grants and loans made under this section to businesses in distressed areas, as defined in 560.605 (7) (b).

***b0256/P2.10* SECTION 2376L.** 560.60 (15) of the statutes is renumbered 560.60 (15) (intro.) and amended to read:

560.60 (15) (intro.) “Small business” means a business that is operating for profit, ~~with 250~~ and to which any of the following apply:

(a) The business has 100 or fewer employees, including employees of any subsidiary or affiliated organization.

***b0256/P2.10* SECTION 2376m.** 560.60 (15) (b) of the statutes is created to read:

560.60 (15) (b) The business has annual gross receipts of \$10,000,000 or less.

***b0208/P3.4* SECTION 2388p.** 560.605 (1) (p) of the statutes is created to read:

560.605 (1) (p) For an ethanol production facility on which construction begins after the effective date of this paragraph [revisor inserts date], a competitive bidding process is used for the construction of the ethanol production facility.

***b0256/P2.10* SECTION 2407L.** 560.605 (7) of the statutes is created to read:

560.605 (7) (a) The board shall award not less than 50 percent of the total amount of grants and loans made under this subchapter to small businesses.

(b) The board shall award not less than 35 percent of the total amount of grants and loans made under this subchapter to businesses in distressed areas. In this paragraph, “distressed area” means an area to which any of the following apply:

1. The area has a high level of unemployment.
2. The area has a low median household income.
3. A significant number of workers in the area have been permanently laid off.
4. An employer in the area has given public notice of a plant closing or a substantial reduction in force that will result in a significant number of workers in the area being permanently laid off.

5. The area is designated as a development zone under s. 560.71 or an enterprise development zone under s. 560.797.

6. As determined by the board, the area is affected by another factor that indicates the area is a distressed area.

***b0305/2.1* SECTION 2418m.** 560.797 (2) (c) of the statutes is amended to read:

560.797 (2) (c) The department may not designate as an enterprise development zone, or as any part of an enterprise development zone, an area that is located within the boundaries of an area that is designated as a development zone under s. 560.71, or as a development opportunity zone under s. 560.795, the designation of which is in effect.

***-0718/P3.1* SECTION 2419.** 560.797 (2) (d) of the statutes is amended to read:

560.797 (2) (d) The department may not designate more than ~~79~~ 85 enterprise development zones unless the department obtains the approval of the joint committee on finance to do so. Of the enterprise development zones that the department designates, at least 10 shall be designated under par. (bg).

***b0252/P2.2* SECTION 2419k.** 560.797 (4) (a) of the statutes is amended to read:

560.797 (4) (a) ~~Subject to par. (b), if~~ If the department approves a project plan under sub. (3) and designates the area in which the person submitting the project plan conducts or intends to conduct the project as an enterprise development zone under the criteria under sub. (2), the department shall certify the person as eligible for tax benefits.

***b0252/P2.2* SECTION 2419L.** 560.797 (4) (b) of the statutes is repealed.

***b0252/P2.2* SECTION 2419m.** 560.797 (4) (bm) of the statutes is created to read:

560.797 (4) (bm) Of the persons certified as eligible for tax benefits in the areas designated by the department as enterprise development zones after the effective date of this paragraph....[revisor inserts date], not less than one-half shall be businesses with 100 or fewer employees.

***-1513/4.26* SECTION 2422.** 560.9810 (5) of the statutes is created to read:

560.9810 (5) NONAPPLICATION. This section does not apply to property that is authorized to be sold under s. 16.848.

***b0408/1.2* SECTION 2422b.** 562.01 (11g) of the statutes is amended to read:

562.01 (11g) “Race meeting” means the period during a calendar year for which a person has been issued a license under s. 562.05 (1) (b) or (bm).

***b0408/1.2* SECTION 2422c.** 562.02 (1) (L) of the statutes is created to read:

562.02 (1) (L) Promulgate rules administering s. 562.058.

***b0408/1.2* SECTION 2422d.** 562.02 (5) of the statutes is created to read:

562.02 (5) The department may not impose a fee greater than \$75 for renewal of a license issued under this chapter to operate a concession at a racetrack.

***b0408/1.2* SECTION 2422e.** 562.05 (1) (bm) of the statutes is created to read:

562.05 (1) (bm) The ownership and operation of a racetrack at which pari-mutuel wagering is conducted and the sponsorship and management of any race on which pari-mutuel wagering is conducted and which is not located at a fair.

***b0408/1.2* SECTION 2422f.** 562.05 (1g) of the statutes is amended to read:

562.05 (1g) A license issued under sub. (1) (a) or (bm) may authorize the ownership and operation of a racetrack where horse racing is conducted, the ownership and operation of a racetrack not at a fair where dog racing is conducted or the ownership and operation of a racetrack not at a fair where both horse racing and dog racing are conducted. A license issued under sub. (1) (b) or (bm) may

authorize the sponsorship and management of horse races or dog races, or both horse races and dog races, at the same location.

***b0408/1.2* SECTION 2422g.** 562.05 (2m) of the statutes is amended to read:

562.05 (2m) In issuing a license to own and operate a racetrack not at a fair, the department shall consider the competitive effects on any other licensee under sub. (1) (a) ~~or~~, (b), or (bm). These competitive effects shall include, but not be restricted to, the impact on the economic viability of existing licensed racetracks and the jobs that have been created by such licensed racetracks.

***b0408/1.2* SECTION 2422h.** 562.05 (3) of the statutes is amended to read:

562.05 (3) No person may hold more than one license ~~issued under sub. (1) (a) that authorizes ownership and operation of a racetrack at which pari-mutuel wagering is conducted and one license issued under sub. (1) (b) or (e) that authorizes sponsorship and management of any race on which pari-mutuel wagering is conducted.~~ If the applicant for any of those licenses is a corporation, association, limited liability company or partnership, the department shall determine whether the applicant is the same person as another licensee for the purpose of applying this subsection. Nothing in this subsection prohibits any person with a license under sub. (1) from contracting for services with any other person with a license under sub. (1), subject to any rules promulgated by the department.

***b0408/1.2* SECTION 2422i.** 562.05 (3r) of the statutes is renumbered 562.05 (3r) (a) and amended to read:

562.05 (3r) (a) ~~The~~ Except as provided under par. (b), the application for the first license under sub. (1) (a) or (bm) to be issued for any location shall be accompanied by a resolution, supporting the proposed location of the racetrack and its ownership and operation by the applicant, which has been adopted, after a public

hearing, by the governing body of the city, village or town where the racetrack is proposed to be located. A common council may not adopt such a resolution if an ordinance prohibiting the location of a racetrack at the proposed location has been adopted under s. 9.20 before May 3, 1988, or a petition for such an ordinance has been filed, under s. 9.20, before May 3, 1988. Except as provided in this subsection, no ordinance adopted under s. 9.20 or 66.0101 may prohibit the location of a racetrack in any city or village.

***b0408/1.2* SECTION 2422j.** 562.05 (3r) (b) of the statutes is created to read:

562.05 (3r) (b) The requirements under par. (a) do not apply to an application for the first license under sub. (1) (bm) for a location if a license under sub. (1) (a) has been issued for the location.

***b0408/1.2* SECTION 2422L.** 562.05 (3wr) of the statutes is renumbered 562.05 (3wr) (a) and amended to read:

562.05 (3wr) (a) The Except as provided under par. (b), the first license issued to each applicant under sub. (1) (a) or (bm) for each racetrack expires after 5 years. Any subsequent license issued to the same applicant for that racetrack expires after one year.

***b0408/1.2* SECTION 2422m.** 562.05 (3wr) (b) of the statutes is created to read:

562.05 (3wr) (b) A first license issued to an applicant under sub. (1) (bm) for a racetrack expires after one year if the applicant held a license under sub. (1) (a) for the racetrack at the time of application for the license under sub. (1) (bm).

***b0408/1.2* SECTION 2422n.** 562.05 (3wt) of the statutes is amended to read:

562.05 (3wt) In the first license issued to each applicant under sub. (1) (a) or (bm) for each racetrack, the department shall specify a date by which each of the types of racing authorized under the license shall begin at that racetrack. Upon

request of the licensee, the department may change a specified date to an earlier or later date pursuant to rules of the department.

***b0408/1.2* SECTION 2422o.** 562.05 (4m) (c) of the statutes is amended to read:

562.05 (4m) (c) The license will not create competition that will adversely affect any other licensee under sub. (1) (a) ~~or~~, (b), or (bm).

***b0408/1.2* SECTION 2422om.** 562.05 (4r) of the statutes is created to read:

562.05 (4r) Except as provided under subs. (3) to (3r) and (4), the department may issue a license under sub. (1) (bm) if the department determines that the conditions under subs. (3w) (a) to (d) and (4m) (a) to (c) are satisfied.

***b0408/1.2* SECTION 2422p.** 562.05 (5) (c) 2. of the statutes is amended to read:

562.05 (5) (c) 2. Except as otherwise provided in this subdivision, if after the application for a license is made or a license is issued any new officer, director, partner, member or owner subject to par. (a), as specified in par. (b), or any other new person with a present or future direct or indirect financial or management interest in the application or license joins the applicant or licensee, the applicant or licensee shall, within 5 working days, notify the department of the change and provide the affidavit under subd. 1. After an application for a license under sub. (1) (a) ~~or~~, (b), or (bm) is made or after a license under sub. (1) (a) ~~or~~, (b), or (bm) is issued, no ownership interest or right of ownership in the applicant or licensee may be transferred unless the applicant or licensee provides the affidavit under subd. 1. for the proposed new owner and the proposed new owner is approved by the department. The department shall conduct the background investigations required under sub. (7) of any new officer, director, partner, member, shareholder or proposed owner of an applicant or licensee named in a notice to the department under this subdivision.

***b0408/1.2* SECTION 2422q.** 562.05 (6m) (a) 1. of the statutes is amended to read:

562.05 (6m) (a) 1. An application for an intertrack wagering license shall identify each licensee under sub. (1) (b) or (bm) on whose races the applicant proposes to conduct intertrack wagering and, except as provided in subd. 2., shall be accompanied by a statement, signed by each licensee that is identified in the application, giving consent to the applicant to conduct intertrack wagering on all races that are simulcast by the licensee during the licensee's race meeting.

***b0408/1.2* SECTION 2422r.** 562.05 (6m) (a) 2. of the statutes is amended to read:

562.05 (6m) (a) 2. A licensee under sub. (1) (b) or (bm) who signs a statement specified in subd. 1. is considered to have given consent to all applicants for intertrack wagering licenses to conducting intertrack wagering on all races that are simulcast by the licensee during the licensee's race meeting, and no similar statements signed by that licensee need be filed by other applicants for intertrack wagering licenses who propose to conduct intertrack wagering on those races.

***b0408/1.2* SECTION 2422s.** 562.05 (6m) (b) 1. of the statutes is amended to read:

562.05 (6m) (b) 1. The applicant is licensed under sub. (1) (a) ~~or~~, (b), or (bm).

***b0408/1.2* SECTION 2422t.** 562.05 (6m) (b) 2. of the statutes is amended to read:

562.05 (6m) (b) 2. At least 250 race performances were conducted at the racetrack for which the applicant is licensed under sub. (1) (a) ~~or~~, (b), or (bm) during the calendar year immediately preceding the year in which the applicant proposes

to conduct intertrack wagering. The department may waive the requirement in this subdivision if the department determines that the waiver is in the public interest.

***b0408/1.2* SECTION 2422tm.** 562.05 (6m) (b) 3. of the statutes is repealed.

***b0408/1.2* SECTION 2422u.** 562.05 (6m) (e) of the statutes is repealed.

***b0408/1.2* SECTION 2422um.** 562.05 (9) (a) of the statutes is amended to read:

562.05 (9) (a) Every license issued under sub. (1) (b), (bm), or (c) authorizing the sponsorship or management of a race shall set forth the time and number of days, or the specific dates, during which racing may be conducted under that license, as determined by the department.

***b0408/1.2* SECTION 2422v.** 562.05 (9) (b) of the statutes is amended to read:

562.05 (9) (b) A license under sub. (1) (c) may authorize horse races on days on which the fair is conducted and for 2 additional periods not to exceed 5 days each. Either or both of the additional periods may be consecutive with the days on which the fair is conducted. In assigning race days and race times under this paragraph, the department shall consider the competitive effects on licensees under sub. (1) (a) and, (b), and (bm).

***b0408/1.2* SECTION 2422vm.** 562.05 (10) of the statutes is amended to read:

562.05 (10) The department shall revoke the license issued under sub. (1) (a) or (bm) of any person who accepts any public money to construct or operate a racetrack in Wisconsin. This subsection does not apply to any racetrack operated in conjunction with a county fair.

***b0408/1.2* SECTION 2422w.** 562.057 (4) of the statutes is amended to read:

562.057 (4) Subject to sub. (4m), the department may permit a licensee under s. 562.05 (1) (b) or (bm) to receive simulcast races from out-of-state racetracks, to

conduct pari-mutuel wagering on those races and to commingle the licensee's wagering pools on those races with those of any out-of-state racetrack from which the licensee is permitted to receive simulcast races. The department may permit a licensee under s. 562.05 (1) (b) or (bm) to simulcast races to any out-of-state legal wagering entity, and to commingle the licensee's wagering pools on those races with those of any out-of-state legal wagering entity to which the licensee is permitted to simulcast those races.

***b0408/1.2* SECTION 2422wm.** 562.057 (4m) (intro.) of the statutes is amended to read:

562.057 (4m) (intro.) The department may not permit a licensee under s. 562.05 (1) (b) or (bm) to receive simulcast races under sub. (4) unless the department determines that all of the following conditions are met:

***b0408/1.2* SECTION 2422x.** 562.057 (4m) (bm) of the statutes, as created by 2003 Wisconsin Act 33, is repealed.

***b0408/1.2* SECTION 2422xm.** 562.057 (4r) of the statutes is created to read:

562.057 (4r) The department may not impose a fee on a licensee under s. 562.05 (1) (a), (b), (bm), or (e) for receiving a simulcast race from an out-of-state racetrack or for simulcasting a race to an out-of-state legal wagering entity.

***b0408/1.2* SECTION 2422y.** 562.058 of the statutes is created to read:

562.058 Video gaming devices for pari-mutuel racing. A licensee under s. 562.05 (1) (b) or (bm) may operate video gaming devices to conduct pari-mutuel wagering on dog or horse races that have been previously conducted at a racetrack or out-of-state racetrack and that are visually displayed on the gaming device.

***b0408/1.3* SECTION 2423c.** 562.065 (3) (a) of the statutes is amended to read:

562.065 (3) (a) *Deduction.* From the total amount wagered on all animals selected to win, place or show in a race, a licensee under s. 562.05 (1) (b), (bm), and (c) shall deduct 17% or an amount approved by the department under s. 562.02 (1) (k) up to 20% and pay the balance, minus breakage, to winning ticket holders, except that for a multiple pool, the licensee shall deduct 23% or an amount approved by the department under s. 562.02 (1) (k) up to 25% and pay the balance, minus breakage, to winning ticket holders. Nothing in this paragraph prohibits the licensee from retaining amounts wagered in multiple pools which are required to be paid to winning ticket holders if there are no winning ticket holders, for the sole purpose of paying these amounts to winning ticket holders of subsequent races.

***b0408/1.3* SECTION 2423d.** 562.065 (3) (b) 1. of the statutes is amended to read:

562.065 (3) (b) 1. For horse races, from the total amount deducted under par. (a) on each race day, the licensee under s. 562.05 (1) (b) or (bm) shall use at least an amount equal to 8% of the total amount wagered on each race day for purses for races held on that race day, except as provided in s. 562.057 (4). The licensee shall pay purses directly to the owner of a horse or, if a horse is leased, the licensee shall pay the purse directly to the lessor and lessee of the horse as agreed in a written lease agreement on file with the licensee.

***b0408/1.3* SECTION 2423e.** 562.065 (3) (b) 2. of the statutes is amended to read:

562.065 (3) (b) 2. For dog races, from the total amount deducted under par. (a) on each race day, the licensee under s. 562.05 (1) (b) or (bm) shall use at least an amount equal to 4.5% of the total amount wagered on each race day for purses, except as provided in s. 562.057 (4). Purses shall be paid on or before Thursday of the

calendar week immediately following the race day on which the purses are won. The licensee shall pay purses directly to the owner of a dog or, if a dog is leased, the licensee shall pay the purse directly to the lessor and lessee of the dog as agreed in a written lease agreement on file with the licensee.

***b0408/1.3* SECTION 2423f.** 562.065 (3) (c) 1. (intro.) of the statutes is amended to read:

562.065 (3) (c) 1. (intro.) For horse races, from the total amount deducted under par. (a) on each race day, a licensee under s. 562.05 (1) (b) or (bm) shall deposit with the department the following amounts:

***b0408/1.3* SECTION 2423g.** 562.065 (3) (c) 2g. (intro.) of the statutes is amended to read:

562.065 (3) (c) 2g. (intro.) For dog races, from the total amount deducted under par. (a) on each race day that is on or after January 1, 1993, a licensee under s. 562.05 (1) (b) or (bm) shall deposit with the department the following amounts:

***b0408/1.3* SECTION 2423gm.** 562.065 (3) (c) 4. of the statutes is amended to read:

562.065 (3) (c) 4. Annually, not later than February 15, a licensee under s. 562.05 (1) (b) or (bm) shall file with the department a statement computing the total amount paid to the department under subd. 1. during the immediately preceding year and the total amount wagered at races sponsored and managed by the licensee during that year. If the total amount paid to the department under subd. 1. exceeds the amount due under subd. 1. the department shall refund the difference to the licensee. If the total amount paid is less than the amount due the licensee shall remit the difference to the department.

***b0408/1.3* SECTION 2423h.** 562.065 (3) (d) 1. of the statutes is amended to read:

562.065 (3) (d) 1. From the total amount deducted under par. (a) on each race day, a licensee under s. 562.05 (1) (b) or (bm) shall deposit with the department an amount equal to 0.75% of the total amount wagered on that race day.

***b0408/1.3* SECTION 2423i.** 562.065 (3) (e) of the statutes is amended to read:

562.065 (3) (e) *Breakage*. A licensee under s. 562.05 (1) (b) or (bm) may retain 100% of the breakage for each race day.

***b0408/1.3* SECTION 2423j.** 562.065 (4) of the statutes is amended to read:

562.065 (4) UNCLAIMED PRIZES. A licensee under s. 562.05 (1) (b) or (bm) shall pay to the department 50% of any winnings on a race that are not claimed within 90 days after the end of the period authorized for racing in that year under s. 562.05 (9). The department shall credit moneys received under this subsection to the appropriation accounts under ss. 20.455 (2) (g) and 20.505 (8) (g). The licensee may retain the remaining 50% of the winnings.

***b0408/1.3* SECTION 2423k.** 562.075 (1) of the statutes is amended to read:

562.075 (1) HORSES FOALED IN THIS STATE. Every licensee to sponsor and manage horse races under s. 562.05 (1) (b), (bm), or (c) shall hold at least one race on every race day which is limited to horses foaled in this state, except that another race may be substituted if the licensee is unable, with reasonable effort, to attract sufficient competition for such a race. The department shall define, by rule, the term "foaled in this state".

***b0408/1.3* SECTION 2423L.** 562.075 (2) (b) of the statutes is amended to read:

562.075 (2) (b) *Races*. Every person licensed to sponsor and manage horse races under s. 562.05 (1) (b), (bm), or (c) shall hold at least one race, on every race day, which

is limited to 3-year-old horses, which did not race during the prior 2 years. If the licensee is unable, with reasonable effort, to attract sufficient competition for such a race, another race may be substituted.

***b0408/1.3* SECTION 2423m.** 562.08 (1) of the statutes is amended to read:

562.08 (1) Every licensee under s. 562.05 (1) (a), (bm), or (e) shall collect 50 cents per person entering a racetrack as a spectator on each race day on which an admission fee is charged, including any person entering the racetrack as a spectator on a free pass or complimentary ticket.

***b0408/1.3* SECTION 2423n.** 562.08 (2) of the statutes is amended to read:

562.08 (2) Quarterly, of the amount collected during the quarter under sub. (1), a licensee under s. 562.05 (1) (a) or (bm) shall pay 50% to the county where the amount was collected and 50% to the city, village or town where the amount was collected.

***b0408/1.3* SECTION 2423o.** 562.11 (2) of the statutes is amended to read:

562.11 (2) Facilitate off-track wagers or conduct an operation through which off-track wagers are transmitted to a racetrack. The acceptance of an intertrack wager at a racetrack that does not meet the criteria specified under s. 562.05 (6m) (b) 2. ~~or 3.~~ is considered to be the acceptance of an off-track wager and the facilitation of an off-track wager.

***b0124/1.1* SECTION 2423r.** 565.02 (3) (j) of the statutes is created to read:

565.02 (3) (j) Requiring retailers to display a sign provided by the department under s. 565.27 (5) that provides notice that the top prizes in a scratch-off game have been claimed.

***b0108/4.1* SECTION 2423v.** 565.02 (9) of the statutes is created to read:

565.02 (9) If the department contracts for a supplier to provide instant lottery ticket vending machines for placement by the department, the department shall place vending machines in passenger terminals of airports in Appleton, Green Bay, La Crosse, Madison, and Milwaukee and in passenger terminals of Amtrak train stations in Milwaukee if a retailer, as defined in s. 565.01 (6), agrees to accept placement of a vending machine in the airport or train station and if the airport or train station administrator allows operation of a vending machine in the airport or train station.

***-0307/2.1* SECTION 2427.** 565.10 (3) (b) of the statutes is amended to read:

565.10 (3) (b) No lottery retailer contract may be entered into with a person who has been finally adjudged to be delinquent in the payment of taxes under ch. 71, 72, 76, 77, 78, or 139 ~~or~~, who has been found delinquent in the payment of contributions to the unemployment reserve fund under s. 108.16 in a proceeding under s. 108.10, or who owes a payment to the uninsured employers fund under s. 102.82 or 102.85 (4) or to the work injury supplemental benefit fund under s. 102.49 (5) (a), 102.59 (2), or 102.60 (5) (b) if the person remains delinquent in the payment of liable for those taxes ~~or~~, contributions, or payments at the time the person seeks to enter into the lottery retailer contract.

***b0106/1.1* SECTION 2427b.** 565.10 (15) of the statutes is amended to read:

565.10 (15) REMITTING PROCEEDS. A retailer shall, ~~on a~~ daily basis, unless another basis, ~~but not less than weekly,~~ frequency that is at least once every 60 days is provided by the department by rule, remit to the department the lottery proceeds from the sale of lottery tickets or lottery shares. The amount of compensation deducted by the retailer, if any, shall be indicated as a deduction from the total remitted.

***b0124/1.2* SECTION 2427d.** 565.10 (16) of the statutes is created to read:

565.10 (16) DISPLAYING NOTIFICATION THAT PRIZES CLAIMED. Each lottery retailer contract shall require the retailer to display a sign as provided by rule under s. 565.02 (3) (j) when the department notifies the retailer that the top prizes in a scratch-off game have been claimed.

***b0124/1.3* SECTION 2428d.** 565.27 (5) of the statutes is created to read:

565.27 (5) NOTIFICATION THAT PRIZES IN SCRATCH-OFF GAME CLAIMED. The department shall notify each retailer when the top prizes in a scratch-off game are claimed and shall provide retailers a sign for display that provides notice that the top prizes for a game have been claimed.

***-0304/P2.1* SECTION 2429.** 565.48 of the statutes is created to read:

565.48 Collection of unpaid liabilities. Any unpaid amount owed by a retailer to the department under this chapter shall be assessed, collected, and reviewed in the same manner as income taxes are assessed, collected, and reviewed under ch. 71.

***b0301/1.10* SECTION 2429c.** 601.41 (1) of the statutes is amended to read:

601.41 (1) DUTIES. The commissioner shall administer and enforce chs. 600 to 655 and ss. 59.52 (11) (c), 66.0137 (4) and (4m), 100.203, 120.13 (2) (b) to (g), and 149.13, ~~and 149.144~~ and shall act as promptly as possible under the circumstances on all matters placed before the commissioner.

***b0301/1.10* SECTION 2429e.** 601.415 (12) of the statutes is amended to read:

601.415 (12) HEALTH INSURANCE RISK-SHARING PLAN. The commissioner shall perform the duties specified to be performed by the commissioner in ~~ss. s.~~ s. 149.13 and 149.144. ~~The commissioner, or his or her designee, shall serve as a member of the board under s. 149.15.~~

***b0301/1.10* SECTION 2429g.** 601.64 (1) of the statutes is amended to read:

601.64 (1) INJUNCTIONS AND RESTRAINING ORDERS. The commissioner may commence an action in circuit court in the name of the state to restrain by temporary or permanent injunction or by temporary restraining order any violation of chs. 600 to 655, or s. 149.13 ~~or 149.144~~, any rule promulgated under chs. 600 to 655, or any order issued under s. 601.41 (4). The commissioner need not show irreparable harm or lack of an adequate remedy at law in an action commenced under this subsection.

***b0301/1.10* SECTION 2429h.** 601.64 (3) (a) of the statutes is amended to read:

601.64 (3) (a) *Restitutionary forfeiture.* Whoever violates an effective order issued under s. 601.41 (4), any insurance statute or rule, or s. 149.13 ~~or 149.144~~ shall forfeit to the state twice the amount of any profit gained from the violation, in addition to any other forfeiture or penalty imposed.

***b0301/1.10* SECTION 2429i.** 601.64 (3) (c) of the statutes is amended to read:

601.64 (3) (c) *Forfeiture for violation of statute or rule.* Whoever violates an insurance statute or rule or s. 149.13 ~~or 149.144~~, intentionally aids a person in violating an insurance statute or rule or s. 149.13 ~~or 149.144~~, or knowingly permits a person over whom he or she has authority to violate an insurance statute or rule or s. 149.13 ~~or 149.144~~ shall forfeit to the state not more than \$1,000 for each violation. If the statute or rule imposes a duty to make a report to the commissioner, each week of delay in complying with the duty is a new violation.

***b0301/1.10* SECTION 2429j.** 601.64 (4) of the statutes is amended to read:

601.64 (4) CRIMINAL PENALTY. Whoever intentionally violates or intentionally permits any person over whom he or she has authority to violate or intentionally aids any person in violating any insurance statute or rule of this state, s. 149.13 ~~or 149.144~~, or any effective order issued under s. 601.41 (4) is guilty of a Class I felony,

unless a specific penalty is provided elsewhere in the statutes. Intent has the meaning expressed under s. 939.23.

***b0301/1.10* SECTION 2429m.** 613.03 (4) of the statutes is amended to read:

613.03 (4) ~~MANDATORY HEALTH INSURANCE RISK-SHARING PLAN~~ HEALTH INSURANCE RISK-SHARING PLAN. Service insurance corporations organized or operating under this chapter are subject to the requirements that apply to insurers and insurance under ch. 149.

***b0301/1.10* SECTION 2429p.** 631.20 (2) (f) of the statutes is created to read:

631.20 (2) (f) In the case of a policy form under ch. 149, that the benefit design is not comparable to a typical individual health insurance policy offered in the private sector market in this state.

***b0301/1.10* SECTION 2429r.** 632.785 (title) of the statutes is amended to read:

632.785 (title) Notice of ~~mandatory risk-sharing plan~~ Health Insurance Risk-Sharing Plan.

***-1736/1.1* SECTION 2438.** 757.05 (1) (title) of the statutes is amended to read:

757.05 (1) (title) ~~LEVY OF PENALTY ASSESSMENT~~ SURCHARGE.

***-1736/1.2* SECTION 2439.** 757.05 (1) (a) of the statutes is amended to read:

757.05 (1) (a) Whenever a court imposes a fine or forfeiture for a violation of state law or for a violation of a municipal or county ordinance except for a violation of s. 101.123 (2) (a), (am) 1., (ar), (bm), (br), or (bv) or (5), or for a first violation of s. 23.33 (4c) (a) 2., 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the person who committed the violation had a blood alcohol concentration of 0.08 or more but less than 0.1 at the time of the violation, or for a violation of state laws or municipal or county ordinances involving nonmoving traffic violations or safety belt use violations under s. 347.48 (2m), there shall be imposed in addition a penalty surcharge under

ch. 814 in an amount of ~~24%~~ 25% of the fine or forfeiture imposed. If multiple offenses are involved, the penalty surcharge shall be based upon the total fine or forfeiture for all offenses. When a fine or forfeiture is suspended in whole or in part, the penalty surcharge shall be reduced in proportion to the suspension.

***b0206/4.15* SECTION 2440g.** 757.05 (2) (a) of the statutes is renumbered 757.05 (2) and amended to read:

757.05 (2) ~~Law enforcement training fund. Forty-eight percent of all~~ All moneys collected from penalty surcharges under sub. (1) shall be credited to the appropriation account under s. 20.455 (2) (i) ~~and utilized in accordance with ss. 20.455 (2) and 165.85 (5).~~ The moneys credited to the appropriation account under s. 20.455 (2) (i), ~~except for the moneys transferred to s. 20.455 (2) (jb),~~ 20.455 (2) (j) and (ja) constitute the law enforcement training fund.

***b0206/4.15* SECTION 2440r.** 757.05 (2) (b) of the statutes is repealed.

***-0084/3.60* SECTION 2441.** 767.078 (1) (a) 2. of the statutes is amended to read:

767.078 (1) (a) 2. The child's right to support is assigned to the state under s. 46.261 (3), 48.57 (3m) (b) 2. or (3n) (b) 2., or 49.19 (4) (h) 1. b.

***-0084/3.61* SECTION 2442.** 767.29 (1m) (c) of the statutes is amended to read:

767.29 (1m) (c) The party entitled to the support or maintenance money or a minor child of the party has applied for or is receiving aid ~~to families with dependent children~~ aid under s. 46.261 or public assistance under ch. 49 and there is an assignment to the state under s. 46.261 (3) or 49.19 (4) (h) 1. b. of the party's right to the support or maintenance money.

***-0084/3.62* SECTION 2443.** 767.29 (2) of the statutes is amended to read:

767.29 (2) If any party entitled to maintenance payments or support money, or both, is receiving public assistance under ch. 49, the party may assign the party's right thereto to the county department under s. 46.215, 46.22, or 46.23 granting such assistance. Such assignment shall be approved by order of the court granting the maintenance payments or support money, and may be terminated in like manner; except that it shall not be terminated in cases where there is any delinquency in the amount of maintenance payments and support money previously ordered or adjudged to be paid to the assignee without the written consent of the assignee or upon notice to the assignee and hearing. When an assignment of maintenance payments or support money, or both, has been approved by the order, the assignee shall be deemed a real party in interest within s. 803.01 but solely for the purpose of securing payment of unpaid maintenance payments or support money adjudged or ordered to be paid, by participating in proceedings to secure the payment thereof. Notwithstanding assignment under this subsection, and without further order of the court, the department or its designee, upon receiving notice that a party or a minor child of the parties is receiving aid under s. 46.261 or public assistance under ch. 49 or that a kinship care relative or long-term kinship care relative of the minor child is receiving kinship care payments or long-term kinship care payments for the minor child, shall forward all support assigned under s. 46.261 (3), 48.57 (3m) (b) 2. or (3n) (b) 2., 49.19 (4) (h) 1., or 49.45 (19) to the assignee under s. 46.261 (3), 48.57 (3m) (b) 2. or (3n) (b) 2., 49.19 (4) (h) 1., or 49.45 (19).

***-0084/3.63* SECTION 2444.** 767.29 (4) of the statutes is amended to read:

767.29 (4) If an order or judgment providing for the support of one or more children not receiving aid under s. 46.261, 48.57 (3m) or (3n), or 49.19 includes support for a minor who is the beneficiary of aid under s. 46.261, 48.57 (3m) or (3n),

or 49.19, any support payment made under the order or judgment is assigned to the state under s. 46.261 (3), 48.57 (3m) (b) 2. or (3n) (b) 2., or 49.19 (4) (h) 1. b. in the amount that is the proportionate share of the minor receiving aid under s. 46.261, 48.57 (3m) or (3n), or 49.19, except as otherwise ordered by the court on the motion of a party.

***b0335/1.1* SECTION 2448m.** 814.66 (1) (h) 1. of the statutes is amended to read:

814.66 (1) (h) 1. Except as provided in subd. 2., for copies, certified or otherwise, of records or other papers in the custody and charge of registers in probate, or for the comparison and attestation of copies not provided by the registers, \$1 \$1.25 per page.

***b0285/4.15* SECTION 2449m.** 814.75 (11) of the statutes is created to read:

814.75 (11) The drug offender diversion surcharge under s. 973.043.

***b0285/4.16* SECTION 2450b.** 814.76 (9) of the statutes is created to read:

814.76 (9) The drug offender diversion surcharge under s. 973.043.

***b0224/1.1* SECTION 2450d.** 814.77 (3m) of the statutes is created to read:

814.77 (3m) The crime victim and witness assistance surcharge under s. 973.045 (1m).

***b0224/1.1* SECTION 2450g.** 814.78 (4m) of the statutes is created to read:

814.78 (4m) The crime victim and witness assistance surcharge under s. 973.045 (1m).

***b0224/1.1* SECTION 2450m.** 814.79 (3m) of the statutes is created to read:

814.79 (3m) The crime victim and witness assistance surcharge under s. 973.045 (1m).

***b0224/1.1* SECTION 2450r.** 814.80 (4m) of the statutes is created to read:

814.80 (4m) The crime victim and witness assistance surcharge under s. 973.045 (1m).

***-1118/P1.3* SECTION 2451.** 814.86 (1) of the statutes is amended to read:

814.86 (1) Except for an action for a first violation of s. 23.33 (4c) (a) 2., 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the person who committed the violation had a blood alcohol concentration of 0.08 or more but less than 0.1 at the time of the violation, or for a safety belt use violation under s. 347.48 (2m), the clerk of circuit court shall charge and collect a \$9 \$12 justice information system surcharge from any person, including any governmental unit, as defined in s. 108.02 (17), paying a fee under s. 814.61 (1) (a), (3), or (8) (am), 814.62 (1), (2), or (3) (a) or (b), or 814.63 (1). The justice information system surcharge is in addition to the surcharge listed in sub. (1m).

***-1598/7.79* SECTION 2454.** 891.455 (4) of the statutes is amended to read:

891.455 (4) The presumption under sub. (2) for cancers caused by smoking or tobacco product use shall not apply to any municipal fire fighter who smokes cigarettes, as defined in s. 139.30 (4) (1m), or who uses a tobacco product, as defined in s. 139.75 (12), after January 1, 2001.

***-1400/1.1* SECTION 2455.** 909.02 (4) of the statutes is amended to read:

909.02 (4) CERTIFIED COPIES OF PUBLIC RECORDS. A copy of an official record or report or entry therein, or of a document authorized by law to be recorded or filed and actually recorded or filed in a public office, including data compilations in any form, certified as correct by the custodian or other person authorized to make the certification, by certificate complying with sub. (1), (2) or (3) or complying with any statute or rule adopted by the supreme court, or, with respect to records maintained

under s. 343.23, certified electronically in any manner determined by the department of transportation to conform with the requirements of s. 909.01.

***-0084/3.64* SECTION 2458.** 938.33 (4) (intro.) of the statutes is amended to read:

938.33 (4) OTHER OUT-OF-HOME PLACEMENTS. (intro.) A report recommending placement in a foster home, treatment foster home, group home, or nonsecured residential care center for children and youth ~~or~~ in the home of a relative other than a parent, or in the home of a guardian under s. 48.977 (2) shall be in writing, except that the report may be presented orally at the dispositional hearing if all parties consent. A report that is presented orally shall be transcribed and made a part of the court record. The report shall include all of the following:

***-0084/3.65* SECTION 2459.** 938.345 (4) of the statutes is created to read:

938.345 (4) If the court finds that a juvenile is in need of protection or services under s. 938.13 (4), the court, instead of or in addition to any other disposition imposed under sub. (1), may place the juvenile in the home of a guardian under s. 48.977 (2).

***-0084/3.66* SECTION 2460.** 938.57 (1) (c) of the statutes is amended to read:

938.57 (1) (c) Provide appropriate protection and services for juveniles in its care, including providing services for juveniles and their families in their own homes, placing the juveniles in licensed foster homes, licensed treatment foster homes, or licensed group homes in this state or another state within a reasonable proximity to the agency with legal custody, placing the juveniles in the homes of guardians under s. 48.977 (2), or contracting for services for them by licensed child welfare agencies or replacing them in secured correctional facilities, secured child caring institutions, or secured group homes in accordance with rules promulgated under ch. 227, except

that the county department may not purchase the educational component of private day treatment programs unless the county department, the school board, as defined in s. 115.001 (7), and the state superintendent of public instruction all determine that an appropriate public education program is not available. Disputes between the county department and the school district shall be resolved by the state superintendent of public instruction.

***-0084/3.67* SECTION 2461.** 938.57 (3) (a) 4. of the statutes is amended to read:

938.57 (3) (a) 4. Is living in a foster home, treatment foster home, group home, ~~or~~, residential care center for children and youth, or subsidized guardianship home under s. 48.62 (5).

***-0296/2.3* SECTION 2462.** 938.78 (2) (h) of the statutes is created to read:

938.78 (2) (h) Paragraph (a) does not prohibit an agency from entering the content of any record kept or information received about an individual in its care or legal custody into the statewide automated child welfare information system established under s. 46.03 (7) (g). Paragraph (a) also does not prohibit a county department under s. 46.215, 46.22, 46.23, 51.42, or 51.437, the department of health and family services, the department of corrections, or any other organization that has entered into an information sharing and access agreement with one of those county departments or departments and that has been approved for access to the statewide automated child welfare information system by the department of health and family services from having access to information concerning a client of that county department, department, or organization under this chapter or ch. 48 or 51 that is maintained in the statewide automated child welfare information system, if necessary to enable the county department, department, or organization to perform its duties under this chapter or ch. 48 or 51 or to coordinate the delivery of services

under this chapter or ch. 48 or 51 to the client. Before entering any information about an individual into the statewide automated child welfare information system, the agency entering the information shall notify the individual that the information entered may be disclosed as provided in this paragraph.

***-1510/2.33* SECTION 2466.** 944.21 (8) (b) 3. a. of the statutes is amended to read:

944.21 (8) (b) 3. a. Is a technical college, is a school approved by the educational approval board under s. 45.54 38.50 or is a school described in s. 45.54 38.50 (1) (e) 6., 7. or 8.; and

***-1510/2.34* SECTION 2467.** 948.11 (4) (b) 3. a. of the statutes is amended to read:

948.11 (4) (b) 3. a. Is a technical college, is a school approved by the educational approval board under s. 45.54 38.50 or is a school described in s. 45.54 38.50 (1) (e) 6., 7. or 8.; and

***b0285/4.17* SECTION 2467c.** 961.41 (5) (a) of the statutes is amended to read:

961.41 (5) (a) When a court imposes a fine for a violation of this section, it shall also impose a drug abuse program improvement surcharge under ch. 814 in an amount of ~~50%~~ 75 percent of the fine and penalty surcharge imposed.

***b0285/4.17* SECTION 2467d.** 961.41 (5) (c) of the statutes is renumbered 961.41 (5) (c) 1. (intro.) and amended to read:

961.41 (5) (c) 1. (intro.) All of the following moneys collected from drug surcharges under this subsection shall be deposited by the secretary of administration in and utilized in accordance with credited to the appropriation account under s. 20.435 (6) (gb):

***b0285/4.17* SECTION 2467g.** 961.41 (5) (c) 1. of the statutes, as affected by 2005 Wisconsin Act (this act), is repealed and recreated to read:

961.41 (5) (c) 1. Two-thirds of all moneys collected from drug surcharges under this subsection shall be credited to the appropriation account under s. 20.435 (6) (gb).

***b0285/4.17* SECTION 2467gm.** 961.41 (5) (c) 1. a. of the statutes is created to read:

961.41 (5) (c) 1. a. For fiscal year 2005–06, all of the first \$1,038,600 collected from drug surcharges under this subsection during that fiscal year plus two-thirds of all moneys collected in excess of \$1,528,600 from drug surcharges under this subsection during that fiscal year.

***b0285/4.17* SECTION 2467h.** 961.41 (5) (c) 1. b. of the statutes is created to read:

961.41 (5) (c) 1. b. For fiscal year 2006–07, all of the first \$1,044,300 collected from drug surcharges under this subsection during that fiscal year plus two-thirds of all moneys collected in excess of \$1,534,300 from drug surcharges under this subsection during that fiscal year.

***b0285/4.17* SECTION 2467i.** 961.41 (5) (c) 2. of the statutes is created to read:

961.41 (5) (c) 2. All of the following moneys collected from drug surcharges under this subsection shall be credited to the appropriation account under s. 20.505 (6) (ku):

a. For fiscal year 2005–06, all of the moneys collected in excess of \$1,038,600 from drug surcharges under this subsection during that fiscal year until the first \$1,528,600 has been collected plus one-third of all moneys collected in excess of \$1,528,600 from drug surcharges under this subsection during that fiscal year.

b. For fiscal year 2006–07, all of the moneys collected in excess of \$1,044,300 from drug surcharges under this subsection during that fiscal year until the first \$1,534,300 has been collected plus one-third of all moneys collected in excess of \$1,534,300 from drug surcharges under this subsection during that fiscal year.

***b0285/4.17* SECTION 2467k.** 961.41 (5) (c) 2. of the statutes, as created by 2005 Wisconsin Act (this act), is repealed and recreated to read:

961.41 (5) (c) 2. One-third of all moneys collected from drug surcharges under this subsection shall be credited to the appropriation account under s. 20.505 (6) (ku).

***b0285/4.17* SECTION 2467m.** 961.472 (5) of the statutes is repealed and recreated to read:

961.472 (5) The court is not required to enter an order under sub. (2) if any of the following applies:

(a) The court finds that the person is already covered by or has recently completed an assessment under this section or a substantially similar assessment.

(b) The person is participating in a substance abuse treatment program that meets the requirements of s. 16.964 (12) (c), as determined by the office of justice assistance under s. 16.964 (12) (i).

***b0285/4.17* SECTION 2467p.** 967.11 of the statutes is created to read:

967.11 Alternatives to prosecution and incarceration; monitoring participants. (1) In this section, “approved substance abuse treatment program” means a substance abuse treatment program that meets the requirements of s. 16.964 (12) (c), as determined by the office of justice assistance under s. 16.964 (12) (i).

(2) If a county establishes an approved substance abuse treatment program and the program authorizes the use of surveillance and monitoring technology or day

reporting programs, a court or a district attorney may require a person participating in an approved substance abuse treatment program to submit to surveillance and monitoring technology or a day reporting program as a condition of participation.

***b0285/4.17* SECTION 2467s.** 973.032 (6) of the statutes is amended to read:

973.032 (6) CREDIT. Any sentence credit under s. 973.155 (1) or (1m) applies toward service of the period under sub. (3) (a) but does not apply toward service of the period under sub. (3) (b).

***b0285/4.17* SECTION 2467x.** 973.043 of the statutes is created to read:

973.043 Drug offender diversion surcharge. (1) If a court imposes a sentence or places a person on probation for a crime under ch. 943 that was committed on or after the first day of the 3rd month beginning after the effective date of this subsection [revisor inserts date], the court shall impose a drug offender diversion surcharge of \$10 for each conviction.

(2) After determining the amount due, the clerk of court shall collect and transmit the amount to the county treasurer under s. 59.40 (2) (m). The county treasurer shall then make payment to the secretary of administration under s. 59.25 (3) (f) 2.

(3) All moneys collected from drug offender diversion surcharges shall be credited to the appropriation account under s. 20.505 (6) (ku) and used for the purpose of making grants to counties under s. 16.964 (12).

(4) If an inmate in a state prison or a person sentenced to a state prison has not paid the drug offender diversion surcharge under this section, the department shall assess and collect the amount owed from the inmate's wages or other moneys. Any amount collected shall be transmitted to the secretary of administration.

***b0224/1.2* SECTION 2468m.** 973.045 (1) (intro.) of the statutes is amended to read:

973.045 (1) (intro.) ~~On or after October 1, 1983, Except as provided in sub. (1m),~~
if a court imposes a sentence or places a person on probation, the court shall impose a crime victim and witness assistance surcharge calculated as follows:

***-0539/P3.1* SECTION 2469.** 973.045 (1) (a) of the statutes is amended to read:

973.045 (1) (a) For each misdemeanor offense or count, \$50 \$60.

***-0539/P3.2* SECTION 2470.** 973.045 (1) (b) of the statutes is amended to read:

973.045 (1) (b) For each felony offense or count, \$70 \$85.

***b0224/1.3* SECTION 2470m.** 973.045 (1m) of the statutes is created to read:

973.045 (1m) If a complaint is issued charging a person with a crime for an offense that could subject the person to a forfeiture or to prosecution for a crime, the prosecutor decides to defer or suspend the criminal prosecution, and as a result the person agrees to pay a forfeiture, the court shall impose a crime victim and witness assistance surcharge in addition to imposing a forfeiture. The amount of the surcharge shall be the amount specified in sub. (1) (a) or (b), depending on the crime that the person was charged with in the complaint.

***-0539/P3.3* SECTION 2471.** 973.045 (3) (a) 1. of the statutes is amended to read:

973.045 (3) (a) 1. Part A equals \$30 \$40 for each misdemeanor offense or count and \$50 \$65 for each felony offense or count.

***-1417/P4.12* SECTION 2472.** 973.05 (2m) of the statutes is amended to read:

973.05 (2m) Payments under this section shall be applied first to payment of the penalty surcharge until paid in full, shall then be applied to the payment of the jail surcharge until paid in full, shall then be applied to the payment of part A of the

crime victim and witness assistance surcharge until paid in full, shall then be applied to part B of the crime victim and witness assistance surcharge until paid in full, shall then be applied to the crime laboratories and drug law enforcement surcharge until paid in full, shall then be applied to the deoxyribonucleic acid analysis surcharge until paid in full, shall then be applied to the drug abuse program improvement surcharge until paid in full, shall then be applied to the drug offender diversion surcharge until paid in full, shall then be applied to payment of the driver improvement surcharge until paid in full, shall then be applied to the truck driver education surcharge if applicable until paid in full, shall then be applied to payment of the domestic abuse surcharge until paid in full, shall then be applied to payment of the consumer protection surcharge until paid in full, shall then be applied to payment of the natural resources surcharge if applicable until paid in full, shall then be applied to payment of the natural resources restitution surcharge until paid in full, shall then be applied to the payment of the environmental surcharge if applicable until paid in full, shall then be applied to the payment of the wild animal protection surcharge if applicable until paid in full, shall then be applied to payment of the weapons surcharge until paid in full, shall then be applied to payment of the uninsured employer surcharge until paid in full, shall then be applied to payment of the enforcement surcharge under s. 253.06 (4) (c), if applicable, until paid in full, and shall then be applied to payment of the fine and the costs and fees imposed under ch. 814.

***-1554/3.4* SECTION 2473.** 973.09 (1) (a) of the statutes is amended to read:

973.09 (1) (a) Except as provided in par. (c) or if probation is prohibited for a particular offense by statute, if a person is convicted of a crime, the court, by order, may withhold sentence or impose sentence under s. 973.15 and stay its execution,

and in either case place the person on probation to the department for a stated period, stating in the order the reasons therefor. The court may impose any conditions which appear to be reasonable and appropriate. The period of probation may be made consecutive to a sentence on a different charge, whether imposed at the same time or previously. If the court imposes ~~an increased~~ a term of probation, as authorized under sub. (2) (a) 1. or 2. or (b) 2., it shall place its reasons for doing so on the record.

***b0425/1.3* SECTION 2473e.** 973.09 (2) (a) 1. of the statutes is renumbered 973.09 (2) (a) 1. (intro.) and amended to read:

973.09 (2) (a) 1. Except as provided in subd. 2., for any of the following misdemeanors, not less than 6 months nor more than 2 years.:

***b0425/1.3* SECTION 2474d.** 973.09 (2) (a) 1. a. of the statutes is created to read:

973.09 (2) (a) 1. a. A misdemeanor that the defendant committed while possessing a firearm.

***b0425/1.3* SECTION 2474g.** 973.09 (2) (a) 1. b. of the statutes is created to read:

973.09 (2) (a) 1. b. A misdemeanor that was an act of domestic abuse, as defined in s. 968.075 (1) (a).

***b0425/1.3* SECTION 2474j.** 973.09 (2) (a) 1. c. of the statutes is created to read:

973.09 (2) (a) 1. c. A misdemeanor under s. 940.225 (3m) or ch. 948.

***b0425/1.3* SECTION 2474m.** 973.09 (2) (a) 1. d. of the statutes is created to read:

973.09 (2) (a) 1. d. A misdemeanor under s. 23.33 (4c) or (4p) (e), 30.681, 30.684 (5), 350.101, 350.104 (5), or 350.17 or a misdemeanor under s. 346.63 to which s. 973.09 (1) (d) applies.

***b0425/1.3* SECTION 2475b.** 973.09 (2) (a) 1m. of the statutes is created to read:

973.09 (2) (a) 1m. Except as provided in subd. 2., for Class A misdemeanors not covered by subd. 1., not less than 6 months nor more than one year.

***b0425/1.3* SECTION 2475d.** 973.09 (2) (a) 1r. of the statutes is created to read:

973.09 (2) (a) 1r. Except as provided in subd. 2., for misdemeanors not covered by subd. 1. or 1m., not more than one year.

***b0285/4.19* SECTION 2475g.** 973.155 (1) (b) of the statutes is amended to read:

973.155 (1) (b) The categories in par. (a) and sub. (1m) include custody of the convicted offender which is in whole or in part the result of a probation, extended supervision or parole hold under s. 302.113 (8m), 302.114 (8m), 304.06 (3), or 973.10 (2) placed upon the person for the same course of conduct as that resulting in the new conviction.

***b0285/4.19* SECTION 2475m.** 973.155 (1m) of the statutes is created to read:

973.155 (1m) A convicted offender shall be given credit toward the service of his or her sentence for all days spent in custody as part of a substance abuse treatment program that meets the requirements of s. 16.964 (12) (c), as determined by the office of justice assistance under s. 16.964 (12) (i) for any offense arising out of the course of conduct that led to the person's placement in that program.

***b0285/4.19* SECTION 2475r.** 973.155 (3) of the statutes is amended to read:

973.155 (3) The credit provided in sub. (1) or (1m) shall be computed as if the convicted offender had served such time in the institution to which he or she has been sentenced.

***-1737/2.15* SECTION 2479.** 978.03 (3) of the statutes is amended to read:

978.03 (3) Any assistant district attorney under sub. (1), (1m), or (2) must be an attorney admitted to practice law in this state and, except as provided in ~~ss. s.~~ 978.043 ~~and~~ 978.044, may perform any duty required by law to be performed by the district attorney. The district attorney of the prosecutorial unit under sub. (1), (1m), or (2) may appoint such temporary counsel as may be authorized by the department of administration.

***NOTE: This is reconciled s. 978.03 (3). This SECTION has been affected by drafts with the following LRB numbers: LRB-1737 and LRB-0536.

***-1737/2.17* SECTION 2481.** 978.044 of the statutes is repealed.

***-0265/3.24* SECTION 2484.** 978.05 (4m) of the statutes is amended to read:

978.05 (4m) WELFARE FRAUD INVESTIGATIONS. Cooperate with the department departments of workforce development and health and family services regarding the fraud investigation program programs under ~~s. ss.~~ 49.197 (1m) and 49.845 (1).

***-1737/2.20* SECTION 2485.** 978.05 (8) (b) of the statutes is amended to read:

978.05 (8) (b) Hire, employ, and supervise his or her staff and, subject to ~~ss. s.~~ 978.043 ~~and~~ 978.044, make appropriate assignments of the staff throughout the prosecutorial unit. The district attorney may request the assistance of district attorneys, deputy district attorneys, or assistant district attorneys from other prosecutorial units or assistant attorneys general who then may appear and assist in the investigation and prosecution of any matter for which a district attorney is responsible under this chapter in like manner as assistants in the prosecutorial unit and with the same authority as the district attorney in the unit in which the action is brought. Nothing in this paragraph limits the authority of counties to regulate the hiring, employment, and supervision of county employees.

***-0549/3.2* SECTION 2490.** 978.13 (1) (d) of the statutes is amended to read:

978.13 (1) (d) In counties having a population of 500,000 or more, the salary and fringe benefit costs of 2 clerk positions providing clerical services to the prosecutors in the district attorney's office handling cases involving the unlawful possession or use of firearms. The secretary of administration shall pay the amount authorized under this subsection to the county treasurer from the appropriation under s. 20.475 (1) ~~(f) or~~ (i) pursuant to a voucher submitted by the district attorney to the department of administration.

***-0549/3.3* SECTION 2491.** 978.13 (1m) of the statutes is amended to read:

978.13 (1m) The amount paid under sub. (1) (b), (c), and (d) combined may not exceed the amount appropriated under s. 20.475 (1) ~~(f) and (i) combined~~.

***-0984/4.21* SECTION 2493.** 1997 Wisconsin Act 27, section 9456 (3m) (a), as last affected by 2003 Wisconsin Act 48, is repealed.

***-0984/4.22* SECTION 2494.** 1999 Wisconsin Act 9, section 9401 (2zt), as last affected by 2003 Wisconsin Act 33, is repealed.

***-0984/4.23* SECTION 2495.** 1999 Wisconsin Act 9, section 9401 (2zu), as last affected by 2003 Wisconsin Act 33, is repealed.

***-0330/P2.4* SECTION 2496.** 2001 Wisconsin Act 74, section 23 (5) is repealed.

***b0278/4.14* SECTION 2496g.** 2003 Wisconsin Act 33, section 9106 (1) (g) 2. is amended to read:

[2003 Wisconsin Act 33] Section 9106 (1)

(g) UNIVERSITY OF WISCONSIN SYSTEM

2. *Projects financed by program revenue supported
borrowing:*

Eau Claire — Children's Center

1,842,000